

APPROVED: Meeting No. 21-88

ATTEST:

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 19-88

April 11, 1988

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on Monday, April 11, 1988, at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilman Stephen N. Abrams
(Arrived at 7:35 p.m.)

Councilman James F. Coyle

Councilwoman Viola D. Hovsepian

Councilman David Robbins

The Mayor in the Chair.

In attendance: City Attorney Paul T. Glasgow, City Clerk Margaret R. Gearin, and Acting City Manager Rick W. Kuckkahn.

Re: City Manager's Report

The City Manager reported the following:

1. On April 21st, the public is invited to attend a briefing on substance abuse programs coordinated by the City and other agencies. The public is not only encouraged to attend, but also to participate. There will be a series of brief staff presentations, summarizing the nature of the problem, and resources available. Citizens will be invited to participate through an open forum.

2. On May 2nd, we will transmit the FY89 budget to Mayor and Council and the community. We are in the process of finalizing our narratives and printing at this moment, and I know that the Mayor and Council and the community will be very pleased with this year's results.

3. I wanted to advise you that on Tuesday, April 5, while on an outing with a client, Mona Mendelson dove into Lake Frank to save a 7 year old boy who had fallen into the Lake after being frightened by a dog. She retrieved the boy sputtering but unhurt. We would like to commend Mona for this unselfish act which may very well have saved the boy's life.

Re: Proclamation: 20th Anniversary
of the Fair Housing Act of 1968

Proclamation No. 4-88

There being no objection from the Council, Mayor Duncan proceeded to issue Proclamation #4-88, the full text of which can be found in Proclamation File No. 3 of the Mayor and Council, proclaiming the month of April, 1988, as Fair Housing Month commemorating the 20th anniversary of the Fair Housing Act of 1968 and the 25th Anniversary of Suburban Maryland Fair Housing, Inc., an organization which promotes volunteer advocacy in the area of fair housing. Councilwoman Hovsepian read the proclamation at the request of the Mayor. Present and receiving the proclamation were Richard Allen, Executive Director of Suburban Maryland Fair Housing, Inc.; Robert Dorsey, member of the Rockville Human Rights Commission; and Jane English, City of Rockville Human Rights Officer.

Re: Appointments

Mayor Duncan made the following appointments with the concurrence of the Council:

Traffic and Transportation Commission - K.B. Kanga, appointed, 2 yr. term

Personnel Appeals Board - James S. Cowan, appointed, 4 yr. term

Councilman Coyle stated that he knows Mr. Kanga from his extensive engineering and technical background and that it is good to see him serve on this commission.

Councilman Robbins noted that Mr. Cowan had served ably on the Retirement and Disability Board and that he was glad to see him.

Re: Approval of Minutes

On motion of Councilwoman Hovsepian, duly seconded and unanimously passed, the Minutes from the March 7, 1988, Work Session were approved as written.

On motion of Councilwoman Hovsepian, duly seconded and unanimously passed, the Minutes from the March 10, 1988, Work Session were approved as corrected.

On motion of Councilman Coyle, duly seconded and unanimously passed, the Minutes of Meeting No. 11-88, were approved as corrected.

On motion of Councilwoman Hovsepian, duly seconded and unanimously passed, the Minutes of Meeting No. 12-88, were approved as written.

On motion of Councilwoman Hovsepian, duly seconded and unanimously passed, the Minutes of Meeting No. 13-88, were approved as written.

On motion of Councilman Robbins, duly seconded and unanimously passed, the Minutes of Meeting No. 14-88, were approved as corrected.

On motion of Councilman Robbins, duly seconded and unanimously passed, the Minutes of Meeting No. 15-88, were approved as corrected.

On motion of Councilman Coyle, duly seconded and unanimously passed, the Minutes of Meeting No. 16-88, were approved as corrected.

On motion of Councilman Coyle, duly seconded and unanimously passed, the Minutes of Meeting No. 17-88, were approved as written.

Re: Citizens Forum

There being no citizen wishing to address the Mayor and Council, Mayor Duncan closed this portion of the meeting.

Re: Award of Contract, Senior Center
Air Conditioning Improvements

The purpose of this bid is to improve the electrical and air conditioning systems at the Rockville Senior Center. Request for proposals were mailed to 35 contractors and the bid was advertised in FW Dodge, Blue, Bid Net and Construction Market reports. Sealed proposals were received and opened on March 7, 1988, in the contract Office, Rockville City Hall. Three bids were received as follows:

<u>Company</u>	<u>Lump Sum</u>
Consort, Inc. Barnesville, Maryland	\$43,496.00
HVAC Precision Services, Inc. Rockville, Maryland	\$46,600.00
Seasonair, Inc. Rockville, Maryland	\$63,800.00

Staff recommends an award of bid to Consort, Inc., in the amount of \$43,496.00, for Design and Construction, and Improvements to Electrical Service and Air Conditioning Systems, Rockville Senior Center.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Mayor and Council awarded Bid No. 65-88, for improvements to electrical service and air conditioning systems at the Rockville Senior Center to Consort, Inc., in the amount of \$43,496.00.

Re: Adoption of Resolution to
authorize signatures for bank
account for Swim Team funds

Resolution No. 8-88

On motion of Councilman Abrams, duly seconded and unanimously passed, Resolution No. 8-88, the full text of which can be found in Resolution Book No. 9 of the Mayor and Council, to authorize signatures for bank account for Swim Team funds was adopted by the Mayor and Council.

Re: Adoption of Resolution to authorize execution of a contract providing for certain conditions of annexation of the property of J & B Company, a Maryland General Partnership.

Resolution No. 9-88

On motion of Councilman Abrams, duly seconded and unanimously passed, Resolution No. 9-88, the full text of which can be found in Resolution Book No. 9 of the Mayor and Council, to authorize execution of a contract providing for certain conditions of annexation of the property of J & B Company, a Maryland General Partnership, was adopted by the Mayor and Council.

Re: Adoption of Resolution to enlarge the corporate boundaries of the City of Rockville to include 70,853 square feet of land, more or less, of J & B Company, a Maryland General Partnership.

Resolution No. 10-88

On motion of Councilman Abrams, duly seconded and unanimously passed, Resolution No. 10-88, the full text of which can be found in Resolution Book No. 9 of the Mayor and Council, to enlarge the corporate boundaries of the City of Rockville to include 70,853 square feet of land, more or less, of J & B Company, a Maryland General Partnership, was adopted by the Mayor and Council.

Re: Introduction of Ordinance to amend the Zoning Map by adding 70,853 square feet of land of J & B Company, a Maryland General Partnership

On motion of Councilman Abrams, there was laid upon the table an ordinance to amend the Zoning Map by adding 70,853 square feet of land of J &

B Company, a Maryland General Partnership. Said ordinance to lay over for at least one week before final action is taken.

Re: Award of Contract to extend
auditing service of Wooden and
Benson

A review of the various projects completed in the past six months coupled with those underway at the present time in the Finance Department indicates a heavy work load of the staff. In light of this work, staff recommends the Council consider retaining the CPA firm of Wooden and Benson for an additional one (1) year period as the City's auditor in order to prevent additional work load on the department and provide continuity through the accounting system.

Councilman Robbins asked the staff to supply him with background material on auditors Wooden and Benson covering financial figures, the cost of their services last year and how the money has been spent. City Manager Kuckkahn responded that \$50,000 had been budgeted for their services and has rarely been exceeded. He agreed to provide Councilman Robbins with the information he requested.

On motion of Councilman Robbins, duly seconded and unanimously passed, the Mayor and Council approved the contract to extend the auditing services of Wooden and Benson.

Re: Adoption of Resolution to
establish a maximum rate of rent
increase

Resolution No. 11-88

The Mayor and Council discussed in depth the staff recommendation to set the new maximum rent increase guideline for the period of April 1, 1988 through March 31, 1989 at 5.1%. Mr. Ed Duffy, Community Development, explained that the percentage rate of 5.1% is consistent with the guidelines

for rent increases announced by the Office of Landlord/Tenant Affairs for Montgomery County. The County guideline increase will also become effective April 1, 1988.

Mayor Duncan pointed out that the City had agreed to link the guideline to the housing portion of the Consumer Price Index (CPI). Mr. Duffy responded that the 5.1% was the average increase in the CPI of all increases whereas 7.1% would be the voluntary rent stabilization guideline if it were figured on the housing figures in the CPI. Mr. Duffy recommended that the guideline be set at 5.1% because it would make the program less complicated for landlords owning property outside the City.

On motion of Councilman Abrams, and duly seconded, a substitute motion to set the voluntary rent stabilization guidelines at 7.1% was defeated by the Mayor and Council by a vote of 3 to 2 with Mayor Duncan and Councilman Abrams voting yea, and Councilmembers Coyle, Robbins and Hovsepian voting nea.

Additional discussion focused on the need to be consistent with the County guidelines and the psychological impact of a 5.1% guideline. Councilman Robbins noted that the lower 5.1% guideline could have a psychological impact on landlord and tenants alike, and hoped that this lower suggested increase may actually result in lower rent increases.

Mayor Duncan explained that although he preferred the guidelines to be linked with the housing section of the CPI, the issue was too important not to pass a guideline, therefore he voted for the 5.1% guideline.

Councilman Abrams explained that he was a member of the Mayor and Council that initially passed the Guidelines and that that particular Mayor and Council had expressed its intention to link the guidelines to the rental portion of the CPI. It would, therefore, be an intellectual dishonesty for

him to vote for this resolution approving the guideline at 5.1%.

Mayor Duncan also instructed the staff to inform tenants by sending an information package to them, noting that the 5.1% is only a guideline, and that it is permissible for landlords to increase the rent by 7.5% before being cited by the City. These guidelines will be sent to the offices of the resident managers of all multi-unit rentals.

On motion of Councilman Coyle, duly seconded, Resolution No. 11-88, the full text of which can be found in Resolution Book No. 9 of the Mayor and Council, to set a maximum percentage rate for rental increases, was adopted by the Mayor and Council by a 4 to 1 vote, with Mayor Duncan and Councilmembers Coyle, Hovsepian and Robbins voting yea and Councilman Abrams voting nea.

Re: Decisions and Instruction to
staff re: Text Amendment
Application T-86-87, Memorial
Gardens, Rockville United
Church, Applicant

The Mayor and Council instructed staff to prepare the necessary legal documentation for the adoption of Text Amendment Application T-86-87, to amend the Zoning Ordinance by adding a new category "Memorial Gardens". Councilman Coyle abstained from the process due to his membership at the Rockville United Church.

Re: Correspondence/Information Items

The Mayor and Council noted the following items of Correspondence:

1. Joyce Crook re acknowledgement of gift.
2. Mary Boergers re House Bill 915.

Councilwoman Hovsepian noted she had received favorable comments from citizens about the staff meeting with Twinbrook Civic Association and suggested it be done with more Civic Associations. In addition, Councilwoman

Hovsepien commended the Public Works Department and its Director, Bob Goodin, and his staff for developing specifications for five new fuel sites throughout the County which were adopted by Montgomery County; for developing a computer program called Rockville's Department of Public Works Fleet Management Information System which has been requested by Montgomery County, Alexandria, Virginia, and the City of Fairfax. The City of Fairfax also has requested permission to send their entire fleet management staff to Rockville for a day in order to learn more about how we manage our fleet. A tentative date for May has been set.

Mayor Duncan commented on Frank Lacey's report on the Property Maintenance Ordinance which prohibits storage of any junk vehicle on property in a residential zone. Mayor Duncan asked the City Attorney if this applied to airplanes. Mr. Glasgow responded that the word vehicle does embrace airplanes. Mayor Duncan requested that this item be referred to License and Inspection for further review and comment.

Re: New Business

The Mayor and Council introduced the following items of New Business:

1. Councilman Coyle referred a report from the Wootton Cluster to Public Works.
2. Councilman Coyle commended 7-Eleven stores for their program to publicize in their stores community help that is available for runaways.
3. Councilman Coyle referred a letter from Mr. Roald Schrack, Rockville's representative on the Montgomery Community Television (MCT) expressing his dissatisfaction with the MCT budget to Mr. Vandrey.
4. Councilman Coyle commended the Chamber of Commerce for its Child Care Survey.

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5. Councilman Coyle thanked staff for its comprehensive gypsy moth program.

6. Councilman Abrams asked staff to give an update on three options forwarded to the State of Maryland on Lincoln Park Bridge.

Re: Adjournment

There being no further business to come before the Mayor and Council in General Session, the meeting was adjourned at 8:25 p.m. to convene immediately in Work Session in the City Manager's Conference Room.

Re: Work Session - Board of
Supervisors of Elections

The Mayor and Council of Rockville, Maryland, convened in Work Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on Monday, April 11, 1988, at 8:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilman Stephen N. Abrams

Councilman James F. Coyle

Councilwoman Viola D. Hovsepian

Councilman David Robbins

The Mayor in the Chair.

In attendance: City Attorney Paul T. Glasgow, City Clerk Margaret R. Gearin, and Acting City Manager Rick W. Kuckkahn.

Present for the Board of Supervisors of Elections were Chairman Maurice Ward, Vice-Chairperson Paula Porpilia, Zan Donaldson, Alice Lyon, and Carolyn Barnett-Jones, Rockville Election Clerk. Also present were Doug Jernigan, Montgomery County Elections, and citizens Roald Schrack and Stanley Klein.

Maury Ward stated that the Board of Supervisors of Elections is required to administer the election law and asked the City and any interested parties to work together on a process to merge the City and County voter registration.

He stressed that such a merge must preserve Rockville's voter history and allow the City to use the districting it chooses. Mr. Ward read the following statement to the Mayor and Council:

The Board endorses in concept that Montgomery County maintain the City voter rolls, with the county assigning separate Rockville voting district numbers within the County's geographic base file.

We request the Council to direct appropriate City staff to meet with County officials and staff to formulate procedures to accomplish unified registration with a focus on the following issues:

1. Costs to City for implementation
2. Costs to City for maintenance
3. Costs to Candidates for voter lists
4. Means for candidates to obtain labels and similar services
5. Time table to accomplish implementation
6. Measures to preserve municipal voter history in years with coincidental County elections.
7. Voter histories for 1987, and feasibility of retaining 1985 histories

In addition, Mr. Ward reported that the Board of Elections voted unanimously to require the city to subsidize the cost of labels for candidates. Paula Porpilia stated that the County can fulfill the City's need for voter history and Rockville districts. Mr. Jernigan reported that HB24 and SB435 had been passed by the Maryland House of Delegates and the Senate, and were awaiting the signature of the governor. This legislation requires universal registration with municipalities required to use the County's registration list.

Councilman Abrams pointed out that Rockville is exempt from the law because Rockville complies with the law through its intent - having already initiated such a practice with Montgomery County in the November 1987 election. Therefore, the bill does not apply to the City. As a result, Councilman Abrams concluded that we don't have just one option of having the County control the voter registration list, Rockville could also produce a City voter registration list and include the County.

Mr. Jernigan pointed out that the bill takes effect in 1991 and provides for the reimbursement by the State for the costs for identifying voters. Mr. Schrack suggested having 1989 as a transition with a complete merge of voter lists with Montgomery County in 1991. Councilman Abrams explained that this schedule would eliminate the problem of Montgomery County trying to incorporate the 1985 Rockville voter history on its computer and would make for a cleaner conversion in 1991 which would be paid for by the State.

Mr. Jernigan pointed out, however, that election year 1991 would be extremely busy for the County because all the other municipalities in the County would be unifying their voter registration process as required by the law, and , in addition, the County Board would be redistricting as a result of the 1990 Census.

Mr. Donaldson and Mr. Mays agreed that to repeat the 1987 election procedure in 1989 could work but their experience showed that it was an extremely painful and cumbersome process.

Mayor Duncan pointed out the procedure of merging the 1987 and '89 list would be easier because the two source lists are the same except for changes of address and the voter identification # in contrast to the procedure required to merge the 1987 voting list from two separate lists.

Councilman Abrams suggested that the staff check on the cost of the two approaches when meeting with County staff, finding out the cost of both the County maintaining the registration list and of the City maintaining the list. Also, the cost to merge 1985 & '87 as well as 1987 & '89.

Mr. Jernigan suggested the City and County sit down and lay out a plan. The County and City have met in previous years and would know what has to be done. He observed that most of the cost would be absorbed by Rockville staff, and there would be a lot of manual work to reconcile the two files. He repeated that the County could accomplish the program saying that the County could identify the geographical areas of Rockville by identifying all street addresses and ranges by block and putting it in the computer. Dave Mays added that the City has done a good portion of that already. Mr. Jernigan also pointed out that the County is required by law to send a voter notification to anyone registered in the County and the City would have to do this for the City.

Mr. Klein stated that in the last election the County sent its voter notification card to county voters one week before Rockville elections, which is confusing to the voter because voting locations for City and County differ. In addition, Mr. Klein pointed out that planning should include awareness of technical areas of software. Mayor Duncan directed Mr. Klein to give a copy of his proposal to Mr. Mays.

Mr. Schrack then emphasized that age is a major difference between the County and City list because the County gives the numerical age while the City gives the birth date.

Mayor Duncan concluded the discussion declaring that basically the group approved of the Board of Supervisors of Election memo and that the City and

County staff would meet with the technical staff and lay out a plan for implementation with levels of cost.

Re: Adjournment

There being no further business to come before the Mayor and Council in Work Session, the meeting was adjourned at 9:15 p.m. to convene again in General Session on Monday, April 18, 1988, at 7:30 p.m. or at the call of the Mayor.